

**REMARKS**

This communication is a full and timely response to the aforementioned non-final Office Action dated September 26, 2007. By this communication, claim 9 has been amended. Support for the amendment can be found, for example, at page 6, lines 23-25, of the specification.

Claims 9-22 remain pending. Reconsideration and allowance of this application are respectfully requested.

**Rejections Under 35 U.S.C. §102**

Claims 9-14 were rejected under 35 U.S.C. §102(b) as anticipated by *Nomura* (U.S. Patent No. 6,388,904). Applicant respectfully traverses this rejection.

As shown in exemplary Figures 1-3, Applicant describes an embodiment in which a vehicle auxiliary electric power supplying system includes an automatic starter that receives high voltage DC power from an overhead wire 1. The automatic starter 3 protects a power inverter 7 and a power supplier 15 against excessive high voltage power. The electric power inverter 7 receives the high voltage DC power from the automatic starter 3 and transforms the high voltage DC power into low voltage DC power. The power supplier 15 receives the high voltage DC power from the automatic starter 3 and converts the high voltage DC power into low voltage DC power that is lower than the voltage generated by the electric power inverter 7. A butt-jointed diode 19 includes two diodes 20 and 21. The diode 20 receives the low voltage DC power from the electric power inverter 7, and the diode 21 receives the low voltage DC power from the power supply 15. The butt-jointed diode 19 automatically switches the electric power source based on whether the electric

power inverter 7 or the power supplier 15 outputs the higher voltage. The butt-jointed diode 19 supplies the low voltage DC power to a controller 14.

Applicant's claim 9 broadly encompasses the aforementioned features and recites a vehicle auxiliary electric power supplying system that comprises, in part, an electric power inverter that converts a first type of DC power to a second type of DC power, an electric power supplier that converts a first type of DC power to a third type of DC power, and a power-outputting unit, connected to both the electric power inverter and the electric power supplier, for outputting the higher DC power of either the second type of DC power or the third type of DC power.

As a result of this claimed arrangement, when electric power is not supplied from the electric power inverter, the voltage of the power supplied to the diode 21 of the butt-jointed diode becomes higher than that of the other diode (see, e.g., page 8, lines 9-11). When the voltage supplied to the diode 20 becomes higher than that of the diode 21, the power from the diode 20 is prioritized, and supplied to the controller 14 as the electric power source (page 9, lines 6-9). When the voltage supplied to the diode 20 becomes lower than the voltage supplied to the diode 21, the electric power from the diode 21 is immediately supplied to the controller 14 as the electric power source (page 9, lines 13-16).

The *Nomura* patent fails to anticipate Applicant's claims at least because it fails to disclose the combination of features noted above.

The *Nomura* patent is directed to a power supply device that includes H-type inverter bridges 58 and 59 that are connected in serial to a first DC voltage. Rectifier circuits 68, 69 receive the output of the H-type inverter bridges 58, 59 via a pair of insulating transformers 31, 32. A smoothing circuit 7 receives the output from the

rectifying circuits 68, 69 and generates a second DC voltage. The *Nomura* patent discloses that the combination of the H-type inverter bridges 58, 59, the insulating transformers 31, 32, and the rectifier circuits 68, 69 control the high voltage state of the first DC voltage to obtain a constant DC voltage suited for a three-phase AC voltage 13 generated by a three-phase inverter 9. Thus, the *Nomura* patent does not teach that one of the first DC voltage or second DC voltage is output, but rather discloses that the first DC voltage is controlled such that the second DC voltage output from the smoothing circuit 70 is suitable for obtaining a three-phase AC voltage.

On page 2 of the Office Action, the PTO conspicuously fails to map the power-outputting unit feature of Applicant's claims to an element of the *Nomura* patent. Applicant respectfully submits that this deficiency in the Office Action is not inadvertent omission as there is no evidence that the *Nomura* patent discloses or suggests an element or feature that is analogous to Applicant's claimed power-outputting unit. For at least this reason, Applicant's claims are not anticipated.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Based on the foregoing discussion, withdrawal of this rejection is respectfully requested.

### **Rejections Under 35 U.S.C. § 103**

Claims 15-22 were rejected under 35 U.S.C. §103(a) as unpatentable over the *Nomura* patent in view of *Tanaka* (U.S. Patent No. 5,703,415). Applicant respectfully traverses this rejection.

Claims 15-22 depend indirectly from claim 9. Applicants respectfully submit that these claims are allowable for at least the same reasons given above with respect to claim 9, by virtue of their dependency. Claims 15-22 are further distinguishable over the applied art of record by the additional elements recited therein. Thus, because the *Tanaka* patent fails to remedy the deficiencies of the *Nomura* patent with respect to Applicant's claim power-outputting unit, a *prima facie* case of obviousness has not been established. In other words, the *Nomura* and *Tanaka* patents, when applied individually or in the combination relied upon by the PTO, fail to teach or suggest every element recited in Applicant's claims. Withdrawal of this rejection is therefore requested.

### Conclusion

Based on at least the foregoing remarks, Applicant submits that claims 9-22 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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